

ADJOURNMENT.

On motion of Mr. Smith of Scurry, the House, at 3:20 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

APPENDIX.

REPORT OF COMMITTEE ON COUNTIES.

Committee Room,
Austin, Texas, March 5, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Counties, to whom was referred House bill No. 33, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Blackburn has been appointed to make a full report thereon.

HARDEY, Chairman.

REPORT OF COMMITTEE ON LIQUOR TRAFFIC.

Committee Room,
Austin, Texas, March 4, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Liquor Traffic, to whom was referred House bill No. 26, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Seawright has been appointed to make a full report thereon.

McMILLIN, Chairman.

REPORT OF COMMITTEE ON JUDICIAL DISTRICTS.

Committee Room,
Austin, Texas, March 5, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred House bill No. 34, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Beard of Milam has been appointed to make a full report thereon.

TEMPLETON, Chairman.

REPORT OF COMMITTEE ON STOCK AND STOCK RAISING.

Committee Room,
Austin, Texas, March 5, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Stock and Stock Raising, to whom was referred House bill No. 30, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass, with committee amendment.

NEILL, Vice-Chairman.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, March 5, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. J. R. No. 1, Ratifying an amendment to the Constitution of the United States of America passed by the Sixty-fifth Congress of the United States of America at its Second Session, which amendment provides, in substance, that one year after the ratification of the amendment the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes, is prohibited; that Congress and the several States shall have concurrent power to enforce this article by appropriate legislation, and providing further, that this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution within seven years from the date of submission to the States by Congress,

Have carefully compared same, and find it correctly enrolled, and have this day, at 11:06 o'clock a. m., presented same to the Governor for his approval.

McCOY, Chairman.

EIGHTH DAY.

(Wednesday, March 6, 1918.)

The House met at 9 o'clock a. m. pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called and the following members were present:

Atlee.	Meador.
Bass.	Mendell.
Beard.	Metcalfe.
Beasley.	Miller of Austin.
Beason.	Miller of Dallas.
Bedell.	Monday.
Bell.	Moore.
Bennette.	Morris.
Bertram.	Murrell.
Blackburn.	Neill.
Blackmon.	Nordhaus.
Bland.	O'Banion.
Bledsoe.	Osborne.
Brown.	Parks.
Bryan.	Peyton.
Burton of Rusk.	Pillow.
Burton of Tarrant.	Poage.
Butler.	Pope.
Cadenhead.	Raiden.
Canales.	Reeves.
Carlock.	Richards.
Cates.	Roemer.
Clark.	Rogers.
Cope.	Sackett.
Cox of Bee.	Sallas.
Cox of Ellis.	Sentell.
Crudgington.	Schlesinger.
Davis of Dallas.	Schlosshan.
Davis of Grimes.	Seawright.
Davis of Harris.	Sholars.
Davis	Smith of Bastrop.
of Van Zandt.	Smith of Hopkins.
De Bogory.	Smith of Scurry.
Denton.	Spencer.
Dodd.	Spradley.
Dudley.	Sneed.
Dunnam.	Stephens.
Estes.	Stewart.
Fairchild.	Swope.
Fly.	Taylor.
Ford.	Templeton.
Greenwood.	Terrell.
Haidusek.	Thomas.
Hardey.	Thomason
Harris.	of El Paso.
Hill.	Thomason
Holland.	of Nacogdoches.
Johnson of Ellis.	Thompson
Jones.	of Hunt.
King.	Tillotson.
Laas.	Tilson.
Lacey.	Tinner.
Lackey.	Traylor.
Laney.	Upchurch.
Lange.	Vaughan.
Lanier.	Veatch.
Lee.	Wahrmund.
Lindemann.	Walker.
McComb.	White.
McCord.	Williams
McCoy.	of Brazoria.
McDowra.	Williford.
McFarland.	Wilson.
McMillin.	Woods.
Mathis.	Yantis.

Absent.

Bagby. Strayhorn.
Johnson of Blanco. Valentine.
O'Brien.

Absent—Excused.

Baker. Thompson
Holaday. of Red River.
Hudspeth. Williams
Lowe. of McLennan.
Robertson.

The Speaker announced a quorum present.

Prayer was then offered by Rev. J. C. Mitchell, Chaplain.

TO PURCHASE SERVICE FLAG.

Mr. De Bogory offered the following resolution:

Whereas, We have a number of very brave and patriotic members of the Thirty-fifth Legislature who have volunteered their services to our flag and nation; and

Whereas, Though their memory will always be fresh in our minds, still in respect and in appreciation of their loyalty; therefore, be it

Resolved, That a committee of three be appointed by the Speaker to purchase a service flag bearing a star for each member of Thirty-fifth Legislature now in the service of the United States, which flag shall be placed over the Speaker's stand, the expense of said purchase to be paid out of the contingent fund of the House.

Signed—De Bogory, Seawright, Cope, Osborne, McDowra.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of Mr. De Bogory, Mr. Seawright, Mr. Cope, Mr. Osborne and Mr. McDowra to purchase the flag for the House.

INVITING HON. DAVID F. HOUSTON TO ADDRESS THE HOUSE.

Mr. Mendell offered the following resolution:

Whereas, The Hon. David F. Houston, United States Commissioner of Agriculture, will be in Texas on the 12th and 13th of March on a highly patriotic mission; therefore, be it

Resolved, That he be invited to address the House at such a time as may suit his convenience, and that the Chief Clerk advise him of this resolution, and

the Speaker name a committee to receive him, should he accept this invitation.

The resolution was read second time and was adopted.

BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 11, "An Act to amend Article 612 of the Penal Code of Texas, adopted in 1911, so as to prohibit the sale of malt liquors capable of producing intoxication, in quantities of one gallon or less without taking out a license as a retail malt dealer; prescribing a penalty for the violation of this act; providing that prosecutions thereunder shall have precedence in the district court; providing that persons convicted for violations of this act shall not have the benefit of the suspended sentence act, and declaring an emergency."

H. B. No. 10, "An Act to amend Article 611 of the Penal Code of Texas, adopted in 1911, so as to prohibit the sale of spirituous or vinous liquors in quantities of one gallon or less without taking out a license as a retail liquor dealer, etc."

RELATING TO DISTURBANCE IN THE HOUSE.

The Speaker laid before the House, for consideration at this time, the resolution by Mr. Denton relating to disturbance in the Hall, introduced on Saturday, March 2.

Question—Shall the resolution be adopted?

On motion of Mr. Miller of Dallas, further consideration of the resolution was postponed until tomorrow.

ADDRESSES BY OKLAHOMA OFFICIALS.

The Speaker announced that Hon. O. J. Logan and Hon. W. L. Alexander, officials of Oklahoma, who had heretofore been invited to address the House, were present in the Hall, accompanied by Mr. McMillin, Mr. Bledsoe, Mr. Reeves and Mr. Mendell, the committee appointed to entertain them.

The Speaker then presented Mr. Bledsoe, who introduced Hon. O. J. Logan to the House.

Mr. Logan then addressed the House.

The Speaker then presented Mr. McMillin, who introduced Hon. W. L. Alexander.

Mr. Alexander then addressed the House.

HOUSE BILL NO. 30 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment.

H. B. No. 30, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124 of the Revised Civil Statutes of Texas, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legislature, and Chapters 26 and 99, General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include Armstrong county, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 32 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 32, A bill to be entitled "An Act to diminish and to re-establish the limits of Talpa Independent School District, repealing all laws so far as they conflict herewith, and declaring an emergency."

The bill was read second time and was passed to engrossment.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Bledsoe it was ordered that House bill No. 33 be not printed.

On motion of Mr. Smith of Scurry it was ordered that House bill No. 31 be not printed.

On motion of Mr. Bledsoe it was ordered that House bill No. 34 be not printed.

HOUSE BILL NO. 33 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 33, A bill to be entitled "An Act amending Article 1361, Chapter 2, Title 28, of the Revised Civil Statutes so as to provide for the organization of such unorganized or disorganized counties in the State, upon the

petition of seventy-five qualified voters residing in such unorganized or disorganized county; and that such article when so amended shall read as follows; and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 31 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 31, A bill to be entitled "An Act to establish Common School District No. 19 in Dickens county, Texas, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

MESSAGES FROM THE GOVERNOR.

Mr. John D. McCall, private secretary to the Governor, appeared at the bar of the House and, being duly announced, presented the following messages from the Governor which were read to the House:

Governor's Office,

Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Senator V. A. Collins, I submit for your consideration an act to create an independent school district for Batson in Hardin county, Texas.

Respectfully submitted,

W. P. HOBBY,

Governor of Texas.

Governor's Office,

Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. H. Laas, I submit for your consideration an act creating the Sugar Land Independent School District in Fort Bend county.

Respectfully submitted,

W. P. HOBBY,

Governor of Texas.

Governor's Office,

Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. W. T. Williams, I submit for your consideration An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil

Statutes of Texas, 1911, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include Brazoria county.

Respectfully submitted,

W. P. HOBBY,

Governor of Texas.

Governor's Office,

Austin, Texas, March 6, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. H. J. Miller, I submit for your consideration An Act creating the Bellville Independent School District in Austin county, Texas.

Respectfully submitted,

W. P. HOBBY,

Governor of Texas.

Governor's Office,

Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. Fred J. Roemer, I submit for your consideration An Act adding to and making a part of the Port Lavaca Independent School District in Calhoun county, Texas, including the town of Port Lavaca, certain lands and territory adjoining thereto.

Respectfully submitted,

W. P. HOBBY,

Governor of Texas.

Governor's Office,

Austin, Texas, March 6, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. W. H. Bledsoe, I submit for your consideration An Act creating and incorporating the Brownfield Independent School District in Terry county, Texas.

Respectfully submitted,

W. P. HOBBY,

Governor of Texas.

Governor's Office,

Austin, Texas, March 5, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. C. B. Monday, I submit for your consideration An Act to provide for the teaching of lessons in patriotism in the public schools of this State, for the proper display of the United States flag in connection with every public school of the State, and directing the State superin-

tendent, county and city superintendents in the discharge of their duty relative thereto.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

HOUSE BILL NO. 34 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 34, A bill to be entitled "An Act to amend Chapter 4 of the Laws of the Regular Session of the Thirty-third Legislature, so as to change the time of holding district court in the various counties of the Seventy-second Judicial District of Texas; declaring what counties shall compose same; attaching the unorganized counties of Hockley and Cochran to the county of Lubbock for judicial and all other purposes; making process issued or served before this act takes effect; including recognizances and bonds returnable to the terms of court as herein fixed, and conform all grand and petit juries drawn to be returnable to the corresponding weeks of the terms as herein defined, and declaring an emergency."

The bill was read second time and was passed to engrossment.

CONFERENCE COMMITTEE ON HOUSE BILL NO. 15.

Mr. Miller of Dallas called up with Senate amendments for consideration of the amendments,

H. B. No. 15, relating to the use of language, etc., concerning the entry of the United States in the war or concerning any flag, officer, etc., of the United States.

The bill having been laid before the House on yesterday for consideration of the Senate amendments and further consideration of the Senate amendments having been postponed until today.

The Speaker laid the bill before the House with the Senate amendments.

Mr. Miller of Dallas moved that the House do not concur in the Senate amendments, and that a Free Conference Committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with above action, the Speaker announced the appointment of the following Free Conference Committee on the part of the House:

Mr. Miller of Dallas, Mr. Thomason of El Paso, Mr. Johnson of Blanco, Mr. Spencer and Mr. Bledsoe.

HOUSE BILL NO. 8 ON ENGROSSMENT.

The Speaker laid before the House, as postponed business on its passage to engrossment,

H. B. No. 8, A bill to be entitled "An Act prohibiting the manufacture, sale, barter or exchange of spirituous, vinous, or malt liquor, or liquors of any character or capable of producing intoxication within this State on and after the taking effect of this act, except for medicinal, mechanical, scientific or sacramental purposes; prohibiting the use of premises, devices, and aids in the manufacture, sale, barter or exchange of such liquors; providing certain civil remedies for the enforcement of the terms of this act, the same being cumulative of all other remedies relevant thereunto; prescribing the terms upon which liquors may be manufactured, sold, bartered or exchanged for medicinal, mechanical, scientific or sacramental purposes; providing procedure for the procuring of evidence for the enforcement of the terms of this act and providing procedure for the prevention of violations of the terms of this act; repealing certain laws in conflict herewith; making the terms of this act cumulative of all other laws upon the subject not in conflict herewith; extending to the entire State the provisions of certain statutes heretofore applicable to local option territory; making it a felony punishable by confinement in the penitentiary to keep a cold storage or place for the keeping for others of such liquors, and punishing corporations by fines, penalties and forfeiture of charters for the violation of this act; providing penalties and remedies against officers charged with any duty in connection with the enforcement of this act for failure to perform such duties; prescribing venue, and declaring an emergency."

The bill having been read second time Friday, March 1.

Mr. Cope moved a call of the House, pending consideration of House bill No. 8, for the purpose of maintaining a quorum, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading

from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

Pending consideration of the bill, Mr. Stewart and Mr. Woods occupied the chair temporarily.

(Speaker in the chair.)

Mr. Tillotson raised the following point of order on consideration of the bill by the House:

Mr. Speaker: I raise the point of order against further consideration of House bill No. 8 that it does not come within the purview of either of the recommendations for legislation submitted by the Governor.

The Governor submitted four recommendations relating to liquor legislation:

1. To prohibit the sale of liquors capable of producing intoxication within ten miles of any camp where soldiers of the army or navy are being trained for military purposes.

2. To prohibit the sale of liquor capable of producing intoxication by anyone unlawfully licensed to engage in such business.

3. To prohibit the sale of liquor capable of producing intoxication to any person employed or enlisted in military service in uniform.

4. To prohibit procuring for or giving to any person enlisted or engaged in the military forces of the United States whether in uniform or not, liquors capable of producing intoxication.

The four subjects of legislation embraced in the Governor's recommendations specifically indicate the purpose for which the legislation was suggested, and one of the recommendations specifically limits the territorial scope over which the legislation should be extended.

House bill No. 8 is violative and contradictory of both the purpose for which legislation was recommended and directly opposed to the suggested limitations of the zone in the State over which the legislation was desired to be extended. The purpose of the recommendation of the Governor is expressed with absolute clearness. The recommendation is for legislation to protect men enlisted in the service of the army or navy of the United States, or who are employed by the Federal government in work connected with administration of the military forces in Texas and expresses the intention to limit legislation effecting such purpose to a given area in such communities of the State

as soldiers or others engaged in military service are located.

House bill No. 8 proposes to extend the prohibition against sale of liquor in any part of the State for beverage purposes. This is clearly contradictory of the purpose for which the Governor recommended legislation. Not only does the bill violate this purpose, but it expresses an intention to prohibit the sale of "all malt beverages and beverages manufactured by the use of malt or hops or recognized substitute for either, whether containing alcohol or not." Other provisions of the bill likewise contravene the purpose of the legislation recommended by the Governor.

Article 3, Section 40, of the Constitution provides that "When the Legislature shall be convened in special session there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session or presented to them by the Governor."

Section 1553, Annotation of the Rules of the House, in presenting an expression from the courts, says: "This section of the Constitution constitutes an exception to the general rule and is a limitation of the general power of the Legislature."

The conclusions expressed are supported in decision referred to in Section 1656, Section 1675, Section 1659, and Section 1661, of the Annotations of the Rules of the House.

I raise the point of order, therefore, that the Constitution and the Rules of the House, and the policy of legislation of the State, require that legislation sought to be enacted at a special session shall conform in purpose to the recommendations of the Executive, and particularly where such purposes are expressed with the specific limitations attending the submission of the recommendations for legislation to control the sale of intoxicating liquors by the Governor in this session. House bill No. 8 is clearly outside of and contrary to the purposes for which legislation was asked and should not be considered in this Special Session.

The Speaker overruled the point of order as follows:

With reference to the point of order, I wish to state that the Governor submitted four subjects relating to liquor legislation in this Called Session:

First, to prohibit the sale of liquors capable of producing intoxication within ten miles of any camp where soldiers of

the army or navy are being trained for military service.

Second, to prohibit the sale of liquor capable of producing intoxication by any one unlawfully licensed to engage in such business.

Third, to prohibit the sale of liquors capable of producing intoxication to any person engaged, employed or enlisted in the military or naval service and in uniform.

Fourth, to prohibit procuring for or giving to any person enlisted or engaged in military forces of the United States whether in uniform or not, liquors capable of producing intoxication.

Article 3, Section 40 of the Constitution of the State of Texas, reads as follows:

"When the Legislature shall be convened in Special Session there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor; and no such session shall be of longer duration than thirty days."

The courts of this State have never specifically defined the lines of demarkation relating to what subjects shall be considered or what shall not be considered at a special session, or, that is to say, they have never specifically defined just how far the Legislature shall go while acting under a special call. They can never define this question because each question must be determined upon the facts surrounding the specified matter in hand. The Chair will hold that it is largely a question for the House to determine as to whether or not it comes within the purview of the Governor's call. If within the good judgment of the House; if within the sound discretion of the House, this bill comes within the call, and this is apparent to the courts, then the courts will hold that the bill is properly before the Legislature.

In *Brown vs. State*, vol. 32, Criminal Reports, page 119, we find this language:

"It is provided by Article 4, Section 8 of the State Constitution that when the Governor convenes the Legislature on extraordinary occasions, 'his proclamation therefor shall state specifically the purpose for which the Legislature is convened,' and by Section 40 of Article 3 it is also provided that, 'when the Legislature shall be convened in Special Session there shall be no legislation upon subjects other than those designated in the proclamation of the Governor,' etc. Held, that it was not the intention of

these provisions to require the Governor to define, in his proclamation, with precision as to detail, the subjects of legislation, but only in a general way by his call to confine the business to the particular subjects indicated."

By referring again to the language of the Governor in which he convened the Legislature for the purpose of prohibiting the sale of liquors capable of producing intoxication within any camp where soldiers of the army or navy are being trained for service and to prevent the sale of liquor capable of producing intoxication by any one unlawfully licensed to engage in such business, the Chair is of the opinion that when he opened the question up in that manner, the Legislature would have the right to go further and determine in what manner the sale of liquor should be licensed, if licensed at all.

Referring to *Long vs. State*, 127 S. W. Reporter, page 209, we find this language:

"A Governor's proclamation convening a special legislative session provided that it was to enact adequate laws simplifying the procedure in both civil and criminal courts, and amending and changing the existing laws governing court procedure and held that the word court procedure should be held to apply generally to all laws governing the operation of courts, including those regulating the times within which sessions of the courts may be held and hence Acts of the Thirty-first Legislature changing, extending and rearranging the terms of the Criminal District Court for Harris and Galveston counties was within such proclamation." In other words, Judge Ramsey held that the Governor in this instance did not have in mind the changing of the time of the holding of court in these two counties, yet did submit the question of court reform, and the Legislature enacted a law reorganizing the court, although it did not come directly within the Governor's call. Judge Ramsey held in that case that the fact the Governor submitted the question of court procedure opened up the question touching upon the courts of the State with respect to their organization, etc.

We have for reference *Brown vs. State*, 32 Criminal Report, page 133, vol. 3, S. W., 109: "It was not the intention of this section to require the Governor to define with precision as to detail the subjects of legislation, but only in a general way, by his call, to confine the business to the particular subject."

In *Baldwin v. State*, vol 3 S. W. R.,

page 109, proclamation of the Governor to reduce the taxes both ad valorem and occupation, so far as it may be found consistent with the support of an efficient State government, etc., embraced the whole subject of taxation, and authorized an act levying an occupation tax upon persons engaged in the sale of the Police Gazette. The proclamation of the Governor to reduce the taxes did not embrace the whole subject. In other words, the court held that the Legislature had the right to pass any tax law. We are of the opinion, as in the above case, that we have the same authority, that we have a broader authority than the Chief Executive had in the case just cited. It is true that he did not state specifically just what should be enacted into a law, which is right.

I hope the time will never come when a Chief Executive shall have the authority to dictate to the Legislature just what laws shall be passed. It is well that he has the right to submit the general subject for legislation, and that the Legislature should enact specific legislation upon that question.

Again we refer you to the reports of Colorado, vol. 23, page 150: "The call for the special session of the General Assembly, 1894, stated, among other purposes for which it was to convene, the following:

"To enact a law in relation to elections, etc., in this State known as the 'Australian Ballot Law' be amended so as to provide," designating in detail the amendments proposed by the executive. Held, that such specific instruction can be regarded as advisory only, and not as limiting the character of legislation that might be had upon the general subject of the Australian ballot law."

In that instance the Chief Executive of Colorado, and I am glad that he happened to be the Chief Executive of Colorado instead of Texas, undertook to specifically instruct the Legislature just what amendments to the law should be enacted. The Legislature disregarded those instructions and proceeded to pass a different law. The courts sustained the Legislature in that act.

The Chair might state in this connection that the Constitution of the State of Colorado authorizing that the Legislature can be called in special session is similar to the State Constitution of Texas.

Again we refer you to Long vs. State, 127 S. W. R., page 209. This section of the Constitution does not require the proclamation of the Governor to define

the character or scope of legislation, but only in a general way to present the subjects for legislation.

The Chair will state that according to his view of the question the Legislature has the right to consider this bill and that it comes within the purview of the Governor's call.

Upon the above statements and references, the gentleman's point of order is overruled.

By unanimous consent the House, at 11:40 o'clock a. m., agreed to stand at ease to 2:30 o'clock p. m. today.

The House was called to order at 2:30 o'clock p. m. by the Speaker.

Mr. Spencer offered the following amendment to House bill No. 8:

Amend House bill No. 8 by striking out all after the enacting clause and substituting therefor the following:

Section 1. On and after the taking effect of this act, the manufacture of spirituous, vinous or malt liquors and medicated bitters capable of producing intoxication, except for medicinal, scientific and sacramental purposes, shall be prohibited within this State.

Sec. 2. On and after the taking effect of this act, the sale, barter or exchange of spirituous, vinous or malt liquors and medicated bitters capable of producing intoxication—except for medicinal, scientific and sacramental purposes—shall be prohibited within this State.

Sec. 3. The transportation within or importation into this State by any railroad, common carrier, automobile, by private conveyance or otherwise, or the receipt of any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or the receipt of same by any person, firm or corporation for such transportation, or the delivery of same after such transportation, or the receipt of same after such transportation, except for medicinal, scientific or sacramental purposes, shall be unlawful.

Sec. 4. The manufacture, barter or sale of spirituous, vinous or malt liquors, or liquors capable of producing intoxication, permitted by this act, shall include only:

1. The manufacture or sale of alcoholic stimulants to be used as medicines in cases of actual sickness, or for scientific or mechanical purposes, or the sale of wine for sacramental purposes, but in such cases such stimulant shall only be sold upon the written prescrip-

tion of a regular practicing physician, dated and signed by him, and certified on his honor, that he, the physician, has personally examined the applicant, naming him, and that he found him actually sick and in need of the stimulant prescribed as medicine; and further, that a physician who does not follow the profession of medicine as his principal and actual calling shall not be authorized to give the prescription provided for in this section; and provided, further, that no person shall be permitted to sell more than once on the same prescription, nor shall any person be permitted to sell at all on the prescription of a physician not herein authorized to give it, nor on a prescription which is not dated, signed and certified as above required; and provided, further, that every person selling such stimulants upon the prescription herein provided for shall cancel such prescription by endorsing thereon the word "Canceled," and file the same away.

2. The manufacture or sale of liquors for sacramental purposes. Such liquor shall not be sold for sacramental purposes, except the person or persons proposing to purchase the same shall furnish to the seller an affidavit in writing, stating the name and address of the purchaser and that he is a priest, pastor or minister, or other officer (naming the officer) of the religious organization by which the liquor is to be used for sacramental purposes, the amount thereof required, and that the same is desired for such religious organization for sacramental purposes only, and that it is not intended to be used as a beverage or for sale, and that the purchaser is over the age of twenty-one years and not of intemperate habit.

3. Scientific or mechanical purposes. And no such liquors shall be sold for scientific or mechanical purposes unless the seller is, by the purchaser, furnished with an affidavit in writing, stating the true name of the purchaser, his place of residence, by street and number, if in a city or town, and the justice precinct, if within the county, the kind and quantity of liquor desired, the particular purpose for which it is intended to be used, that it is not intended to be used as a beverage or for sale, and that it is intended only for the purchaser's own use, for the purpose specified, and that the purchaser is over twenty-one years of age and is not of intemperate habit, and that no one, having authority, has forbidden the sale of such liquor to him.

Sec. 5. The prescription and affidavits required by this section shall be executed in duplicate, one copy to be permanently filed by the seller and the other copy by him to be filed with the district clerk of the county of the residence of the seller, there to be permanently filed and preserved as a public record, and for filing the same the district clerk shall be entitled to charge the seller a fee of 10 cents for each of such prescriptions or affidavits.

Sec. 6. On and after the taking effect of this act it shall be unlawful for any person, firm, corporation, club or association of persons, firms, corporations or clubs to pursue the business of keeping, maintaining or operating what is known as a "cold storage," or any other place by whatever name known, or whether named or not, where spirituous, vinous or malt liquors or beverages, or any other liquors capable of producing intoxication, are kept for others under any kind or character of agreement or bailment, and any such person, or any member of any such firm, or any agent or representative of any corporation, or any agent, representative or member of any such club, or any member of any association of persons, violating the provisions of this section shall be guilty of a felony and shall be punished as hereinafter provided.

Sec. 7. This act shall be cumulative of all laws now in force in the State of Texas. As and of all acts of the Fourth Called Session of the Thirty-fifth Legislature prohibiting and regulating the sale of intoxicating liquors, and it is expressly provided that no law now in force in this State prohibiting or regulating the sale of intoxicating liquors, or any act of the Fourth Called Session of the Thirty-fifth Legislature prohibiting or regulating the sale of intoxicating liquors is hereby repealed, but all such laws and acts shall remain in full force and effect.

Sec. 8. In addition to all other remedies now provided by law and provided in this act, the Attorney General is hereby authorized to enjoin the manufacture or sale of spirituous, vinous or malt liquors, or other liquors capable of producing intoxication, in violation of any provision of this act, or any conduct in violation of this act, and suit therefor may be maintained in the name of the State of Texas in Travis county, Texas, and the district or county attorney of any county wherein any sale of such

liquors are made in violation of any term of this act, or any conduct in violation of this act, is hereby authorized to maintain, in the proper court of said county, or in Travis county, Texas, suit in the name of the State to enjoin and prevent such sale or other violation of this act.

Sec. 9. The provisions of this act, and the provision of each section thereof, are hereby declared to be separable, and in the event any section thereof should, for any reason, be held to be unconstitutional, the remaining sections shall, nevertheless, remain in full force and effect, and in the event any provisions of any section shall, for any reason, be held to be unconstitutional the remaining portions of such section shall, nevertheless, remain in full force and effect.

Sec. 10. Any person found guilty of violating any of the provisions of this act shall be deemed guilty of a felony and upon conviction thereof shall be punished by confinement in the penitentiary for a period of time not less than one nor more than five years, and provided that the benefits of the suspended sentence law shall not be extended to any person violating any of the provisions of this act.

Sec. 11. The fact that the people of the United States and the people of the State of Texas are at war with the imperial government of Germany, and the people of the German empire, require that the material and moral resources of the people of this State be conserved in every way possible; the fact that there are now in training in this State many thousands of soldiers of the United States and of the Dominion of Canada, their ally, in the struggle mentioned, many of whom are constantly within, or passing through, or around, or in the vicinity of every city, town, or community and neighborhood within the State, and many hundreds of thousands of industrial workers are engaged in the production of foodstuffs and military supplies and military facilities within the State; the fact that the sale of intoxicating liquors in this State is in constant warfare with the purpose of the United States in the proper training of her soldiers and, to a material degree, in thwarting the results of such training and lending aid and comfort to the enemy, and because thereof the United States government, through its duly constituted authorities, has urgently prayed that the State of Texas, in

the exercise of its sovereignty, take such action in the premises as may be proper for the adequate protection of its soldiers and industrial workers; and the fact that the confederated intelligence of mankind has come to realize that the sale and use of intoxicating liquors is a profligate waste of the material resources of the country and a universal impairment of its man-power, together with the fact that experience has unquestionably developed the truth that the liquor traffic knows no master or law and is beyond the pale of all adequate regulation, create an emergency and an imperative public necessity, compelling the suspension of the constitutional rule requiring bills to be read on three several days and that this act take immediate effect, and such rule is hereby suspended and it is hereby declared that this act shall take effect immediately upon its passage.

Signed — Spencer, Bledsoe, Smith, O'Banion.

Mr. Canales offered the following amendment to the amendment:

Amend the substitute by adding at the end of subdivision (1) of Section 4 the following: "Provided, that any physician who shall prescribe to any person the use of any spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, or any alcoholic stimulant, the use of which is forbidden by this act, except for medicinal, scientific and sacramental purposes, when in fact such person is not actually sick, or when such prescription is not actually needed as medicine, shall be guilty of a violation of this act and be punished as hereinafter provided, and in addition thereto the license of such physician to practice medicine within this State shall be cancelled by an order of the court entered upon the minutes of said court."

Yeas and nays were demanded and the amendment to the amendment was lost by the following vote:

Yeas—19.

Beasley.	Sholars.
Bertram.	Smith of Hopkins.
Brown.	Terrell.
Canales.	Thomason
Davis of Harris.	of Nacogdoches.
De Bogory.	Thompson
Dodd.	of Hunt.
Hill.	Traylor.
Meador.	Veatch.
Osborne.	Wahrmund.
Seawright.	

Nays—98.

Atlee.	McDowra.
Bass.	McFarland.
Beard.	McMillin.
Beason.	Mendell.
Bedell.	Miller of Austin.
Bell.	Miller of Dallas.
Bennette.	Monday.
Blackburn.	Moore.
Blackmon.	Morris.
Bledsoe.	Murphy.
Bryan.	Murrell.
Burton of Rusk.	Neill.
Burton of Tarrant.	Nordhaus.
Butler.	O'Banion.
Cadenhead.	Parks.
Cates.	Peyton.
Clark.	Pillow.
Cope.	Poage.
Cox of Bee.	Raiden.
Cox of Ellis.	Reeves.
Crudgington.	Richards.
Davis of Dallas.	Roemer.
Davis of Grimes.	Rogers.
Davis	Sackett.
of Van Zandt.	Sallas.
Dudley.	Schlesinger.
Dunnam.	Schlosshan.
Estes.	Smith of Scurry.
Fairchild.	Spencer.
Fly.	Spradley.
Ford.	Sneed.
Haidusek.	Stephens.
Hardey.	Stewart.
Harris.	Swope.
Hendersod.	Taylor.
Holland.	Templeton.
Hudspeth.	Thomas.
Johnson of Ellis.	Thomason
Jones.	of El Paso.
King.	Tillotson.
Laas.	Tilson.
Lacey.	Tinner.
Lackey.	Upchurch.
Laney.	Vaughan.
Lange.	Walker.
Lanier.	Williams
Lee.	of Brazoria.
Lindemann.	Williford.
McComb.	Wilson.
McCord.	Woods.
McCoy.	Yantis.

Present—Not Voting.

Bland.	Johnson of Blanco.
Denton.	

Absent.

Bagby.	Pope.
Carlock.	Sentell.
Greenwood.	Smith of Bastrop.
Mathis.	Strayhorn.
Metcalfe.	Valentine.
O'Brien.	White.

Absent—Excused.

Baker.	Thompson
Holaday.	of Red River.
Lowe.	Williams
Robertson.	of McLennan.

Mr. Terrell offered the following amendment to the amendment:

Amend subdivision 1 of Section 4 by striking out in lines 2 and 3 all after the word "sickness," in line 2, down to and including the word "purposes," in line 3.

The amendment to the amendment was lost.

Mr. Terrell offered the following amendment to the amendment:

Amend Section 10 by adding between the words "person" and "violating," line 6, the words "convicted of."

The amendment to the amendment was lost.

Mr. Tilson offered the following amendment to the amendment:

Amend Section 4, page 1, subsection 1, fourth line from the bottom, by striking out all after the word "medicine" down to and including the word "prescription."

The amendment to the amendment was lost.

Mr. Templeton offered the following amendment to the amendment:

Amend substitute for House bill No. 8, Section 5, line 1, by striking out the word "prescription."

Mr. Miller of Dallas moved the previous question on the pending amendments, and the motion was not seconded.

Question then recurring on the amendment to the amendment, it was lost.

Mr. O'Banion offered the following amendment to the amendment:

Amend the substitute, Section 8, after the phrase "the district or county attorney" by adding the following: "or any taxpaying citizen."

The amendment to the amendment was lost.

Mr. Spradley offered the following amendment to the amendment:

Amend substitute to House bill No. 8, Section 6, by striking out Section 6 and inserting the following: "On and after the taking effect of this act it shall be unlawful for any person, firm, corporation, club or association of persons to have any spirituous, vinous or malt liquors or beverages, or any other liquors capable of producing intoxication in his or their possession, except for medicinal, mechanical, scientific and sac-

ramental purposes, violation of this section, shall constitute a felony, and shall be punished as hereinafter provided."

Yeas and nays were demanded, and the amendment to the amendment was lost by the following vote:

Yeas—16.

Beason.	Harris.
Bertram.	Hill.
Burton of Tarrant.	Johnson of Blanco.
Canales.	Sallas.
Cates.	Sholars.
Cox of Ellis.	Spradley.
De Bogory.	Wahrmund.
Haidusek.	Walker.

Nays—103.

Atlee.	McComb.
Beard.	McCord.
Beasley.	McCoy.
Bedell.	McDowra.
Bell.	McFarland.
Bennette.	McMillin.
Blackburn.	Meador.
Blackmon.	Mendell.
Bland.	Miller of Austin.
Bledsoe.	Miller of Dallas.
Brown.	Monday.
Bryan.	Moore.
Burton of Rusk.	Morris.
Butler.	Murphy.
Cadenhead.	Murrell.
Clark.	Neill.
Cope.	Nordhaus.
Cox of Bee.	O'Banion.
Crudgington.	Osborne.
Davis of Dallas.	Parks.
Davis of Grimes.	Peyton.
Davis of Harris.	Pillow.
Davis	Poage.
of Van Zandt.	Raiden.
Dodd.	Reeves.
Dudley.	Richards.
Dunnam.	Roemer.
Estes.	Rogers.
Fly.	Sackett.
Ford.	Sentell.
Greenwood.	Schlesinger.
Hardey.	Seawright.
Henderson.	Smith of Hopkins.
Holland.	Smith of Scurry.
Hudspeth.	Spencer.
Johnson of Ellis.	Sneed.
Jones.	Stephens.
King.	Stewart.
Laas.	Swope.
Lacey.	Taylor.
Lackey.	Templeton.
Laney.	Terrell.
Lange.	Thomas.
Lanier.	Thomason
Lee.	of El Paso.
Lindemann.	

Thomason	Vaughan.
of Nacogdoches.	Veatch.
Thompson	Williams
of Hunt.	of Brazoria.
Tillotson.	Williford.
Tilson.	Wilson.
Tinner.	Woods.
Traylor.	Yantis.
Upchurch.	

Present—Not Voting.

Bass.	Schlosshan.
Denton.	

Absent.

Bagby.	Smith of Bastrop.
Carlock.	Strayhorn.
Fairchild.	Valentine.
Mathis.	White.
Metcalfe.	Williams
O'Brien.	of McLennan.
Pope.	

Absent—Excused.

Baker.	Robertson.
Holaday.	Thompson
Lowe.	of Red River.

Mr. Peyton offered the following amendment to the amendment:

Amend House bill No. 8, page 2, Section 5, by striking out "and for filing the same the district clerk shall be entitled to charge the seller a fee of 10 cents for each of such prescriptions or affidavits."

The amendment to the amendment was lost.

Mr. Woods offered the following amendment to the amendment:

Amend House bill No. 8 as substituted. Section 10, by striking out Section 10 down to and including the word "years," line 5, said Section 10, and substitute therefor the following: "Any person found guilty of violating any of the provisions of this act shall be punished by confinement in the county jail for not less than thirty days nor more than one year, or by confinement in the penitentiary for not less than one year nor more than five years."

Mr. Miller of Dallas moved the previous question on the pending amendments, and the main question was ordered.

Question first recurring on the amendment to the amendment, it was lost.

Question then recurring on the amendment by Mr. Spencer, it was adopted.

Mr. Carlock offered the following amendment to the bill:

Amend Section 4, Sub-section 1, by striking out after the opening sentence in Sub-section 1, as follows: "The man-

ufacture or sale of alcoholic stimulants to be used as medicine in cases of actual sickness," the following sentence: "or for scientific or mechanical purposes, or for the sale of wine for sacramental purposes."

Mr. Thompson of Hunt offered the following substitute for the amendment:

Amend substitute for House bill No. 8, Section 4, by striking out all of said section immediately following the word "only" on said page down to and including the word "away," page 2, and by inserting in lieu thereof the following:

"(1) The manufacture, barter or sale of alcoholic stimulants to be used as medicines in cases of actual sickness.

"(2) The manufacture, barter or sale of said liquors for scientific or mechanical purposes.

"(3) The sale of wines for sacramental purposes.

"The cases in which the manufacture, sale or barter of alcoholic liquors may be permitted within this State as above outlined, are here designated and defined as follows:

"(1) The manufacture, barter or sale of such liquors to be used as medicines in cases of actual sickness.

"Such liquor shall not be manufactured, bartered or sold to be used as medicines except upon the written prescription of a regular practicing physician, dated and signed by him, and certified on his honor that he, the physician, has personally examined the applicant, naming him, and that he found him actually sick and in need of the stimulant prescribed as medicine; and further, that a physician who does not follow the profession of medicine as his principal and actual calling shall not be authorized to give the prescription provided for in this section; and provided further, that no person shall be permitted to sell more than once on the same prescription, nor shall any person be permitted to sell at all on the prescription of a physician not herein authorized to give it, nor on a prescription which is not dated, signed and certified as above required; and provided further, that every person selling such stimulants upon the prescription herein provided for shall cancel such prescription by endorsing thereon the word 'canceled,' and file the same away."

The substitute was lost.

Question then recurring on the amendment by Mr. Carlock, it was adopted.

Mr. Spencer offered the following amendment to the bill:

Amend House bill No. 8, as substituted, by striking out all above the enacting clause and inserting in lieu thereof the following: "An Act prohibiting the manufacture and the sale, barter, or exchange of intoxicating liquors or medicated bitters capable of producing intoxication except for medicinal, scientific or sacramental purposes; providing penalties for violations of the provisions of the act, and providing for the remedies for the enforcement of the terms of the act; and that the act shall be cumulative of all other remedies thereto; prescribing the terms upon which liquors may be manufactured or sold, bartered or exchanged for medicinal, scientific and sacramental purposes, and extending to the entire State the provisions of the local option laws, and declaring an emergency."

The amendment was adopted.

Mr. McMillin offered the following amendment to the bill:

Amend the bill, as substituted, Sections 1, 2 and 3, by adding after the word "scientific," wherever it occurs in said section, the word "mechanical."

The amendment was adopted.

Mr. McMillin offered the following amendment to the bill:

Amend caption by inserting in proper place the word "mechanical."

The amendment was adopted.

Mr. Miller of Dallas moved the previous question on engrossment of the bill, and the main question was ordered.

Question then recurring on engrossment of the bill, yeas and nays were demanded.

House bill No. 8 was passed to engrossment by the following vote:

Yeas—92.

Mr. Speaker.	Crudgington.
Beard.	Davis of Dallas.
Beasley.	Davis of Grimes.
Bedell.	Davis of Harris.
Bell.	Davis
Bennette.	of Van Zandt.
Bertram.	De Bogory.
Blackburn.	Dodd.
Blackmon.	Dudley.
Bledsoe.	Estes.
Bryan.	Fairchild.
Burton of Rusk.	Fly.
Butler.	Ford.
Cadenhead.	Henderson.
Canales.	Hill.
Carlock.	Hudspeth.
Clark.	Johnson of Ellis.
Cope.	Jones.
Cox of Bee.	King.

Lacey.	Smith of Hopkins.
Laney.	Smith of Scurry.
Lee.	Spencer.
Lindemann.	Spradley.
McComb.	Sneed.
McCord.	Stephens.
McCoy.	Stewart.
McDowra.	Taylor.
McMillin.	Templeton.
Meador.	Terrell.
Mendell.	Thomas.
Monday.	Thomason
Moore.	of El Paso.
Morris.	Thomason
Mnrphy.	of Nacogdoches.
Murrell.	Thompson
Neill.	of Hunt.
O'Banion.	Tilson.
Osborne.	Tinner.
Peyton.	Traylor.
Pillow.	Upchurch.
Poage.	Vaughan.
Pope.	Veatch.
Raiden.	Williams
Reeves.	of Brazoria.
Richards.	Williford.
Rogers.	Wilson.
Sackett.	Woods.
Sentell.	Yantis.
Seawright.	

Nays—31.

Atlea.	Lange.
Bland.	Lanier.
Brown.	McFarland.
Burton of Tarrant.	Miller of Austin.
Cates.	Nordhaus.
Cox of Ellis.	Parks.
Denton.	Roemer.
Dunnam.	Sallas.
Greenwood.	Schlesinger.
Haidusek.	Schlosshan.
Hardey.	Sholars.
Harris.	Swope.
Holland.	Tillotson.
Johnson of Blanco.	Wahrmund.
Laas.	Walker.
Lackey.	

Absent.

Bagby.	Smith of Bastrop.
Bass.	Strayhorn.
Metcalfe.	Valentine.
O'Brien.	White.

Absent—Excused.

Holaday.	Thompson
Lowe.	of Red River.
Robertson.	Williams
	of McLennan.

Paired.

Mr. Beason (present), who would vote "nay," with Mr. Baker (absent), who would vote "yea."

Mr. Miller of Dallas (present), who would vote "yea" with Mr. Mathis (absent), who would vote "nay."

Reasons for Vote.

I vote "nay" for the reason that I do not think the bill is constitutional, in that it contravenes Article 16, Section 20, thereof. Also because it contravenes Article 3, Section 40, of the Constitution.

I would vote for the bill if it were made a war measure, because I am sure we will have constitutional prohibition before the war ends.

SCHLOSSHAN.

I vote "nay" on House bill No. 8 because I consider the measure unconstitutional, and because the bill with the emergency clause simply confiscates private property and is an injustice to the citizenship of Texas, and a gross injustice to the thousands of workmen whom it will unceremoniously throw out of employment.

SWOPE.

HOUSE BILL NO. 8 ON THIRD READING.

Mr. Cope moved to suspend the constitutional rule requiring bills to be read on three several days in each house and that House bill No. 8 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—103.

Mr. Speaker.	Davis
Beard.	of Van Zandt.
Beasley.	De Bogory.
Beason.	Dodd.
Bedell.	Dudley.
Bell.	Dunnam.
Bennette.	Estes.
Bertram.	Fairchild.
Blackburn.	Fly.
Blackmon.	Ford.
Bledsoe.	Hardey.
Bryan.	Hudspeth.
Burton of Rusk.	Johnson of Ellis.
Butler.	Jones.
Cadenhead.	King.
Canales.	Laas.
Carlock.	Lacey.
Clark.	Laney.
Cope.	Lanier.
Cox of Bee.	Lee.
Crudgington.	McComb.
Davis of Dallas.	McCord.
Davis of Grimes.	McCoy.
Davis of Harris.	McDowra.

McFarland.	Smith of Hopkins.
McMillin.	Smith of Scurry.
Meador.	Spencer.
Mendell.	Spradley.
Miller of Austin.	Sneed.
Miller of Dallas.	Stephens.
Monday.	Stewart.
Moore.	Swope.
Morris.	Taylor.
Murphy.	Templeton.
Murrell.	Terrell.
Neill.	Thomas.
O'Banion.	Thomason
Osborne.	of El Paso.
Parks.	Thomason
Peyton.	of Nacogdoches.
Pillow.	Thompson
Poage.	of Hunt.
Pope.	Tilson.
Raiden.	Tinner.
Reeves.	Traylor.
Richards.	Upchurch.
Roemer.	Vaughan.
Rogers.	Veatch.
Sackett.	Williams
Sallas.	of Brazoria.
Sentell.	Williford.
Schlosshan.	Wilson.
Seawright.	Woods.
Sholars.	Yantis.

Nays—21.

Atlee.	Hill.
Bland.	Holland.
Brown.	Johnson of Blanco.
Burton of Tarrant.	Lackey.
Cates.	Lange.
Cox of Ellis.	Nordhaus.
Denton.	Schlesinger.
Greenwood.	Tillotson.
Haidusek.	Wahrmund.
Harris.	Walker.
Henderson.	

Absent.

Bagby.	O'Brien.
Bass.	Smith of Bastrop.
Lindemann.	Strayhorn.
Mathis.	Valentine.
Metcalfe.	White.

Absent—Excused.

Baker.	Thompson
Holaday.	of Red River.
Lowe.	Williams
Robertson.	of McLennan.

The Speaker then laid House bill No. 8 before the House on its third reading and final passage.

The bill was read third time.

Mr. Canales offered the following amendment to the bill:

Amend the bill by adding Section 10a: "This act shall only be operative dur-

ing the period of the present war, and shall become inoperative sixty days after a general declaration of peace by the government of the United States; and any person who, at the time this act goes into effect, has an unexpired license to sell intoxicating or malt liquors, either at wholesale or retail, under the laws of this State, shall have the right to operate under said license for the unexpired and unearned portion of said license by securing from the Comptroller of this State a certificate showing the period of such unearned license, and the State Comptroller is hereby authorized to issue such certificates sixty days after a general declaration of peace to such person upon a payment of one dollar fee; provided, however, that no such certificate shall be issued to any person who has been guilty of violating any provision of this act."

Mr. McCoy moved the previous question on the amendment and final passage of the bill, and the main question was ordered.

Mr. Bryan raised a point of order on further consideration of the bill at this time on the ground that four-fifths of the members of the House did not vote for the suspension of the constitutional rule requiring bills to be read on three several days.

The Speaker overruled the point of order.

The amendment by Mr. Canales was then lost.

House bill No. 8 was then passed.

Mr. Bledsoe moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGES FROM THE GOVERNOR.

Mr. John D. McCall, private secretary to the Governor, appeared at the bar of the House and, being duly announced, presented the following messages from the Governor which were read to the House:

Governor's Office,

Austin, Texas, March 6, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. R. L. Pillow, Jr., and Hon. A. L. Beason, I submit for your consideration An Act to ratify and confirm the action of the Board of Commissioners of the city of Galveston, passed March 1, A. D. 1918, conveying and releasing to the Galveston Dry Dock & Construction Company, a

corporation of Galveston county, Texas, that certain area or territory in Galveston Bay being a part of what is known as Pelican Island and the flats south thereof.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,

Austin, Texas, February 27, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: The Thirty-fifth Legislature during the Third Called Session enacted into law Senate bill No. 13 found in the official volume of the acts of said session at page 57, Chapter 7, entitled: "An Act to establish at Ferguson Farm in Madison county, Texas, the State Training School for Negro Boys." Under the provisions of this act the duty was imposed on the Board of Prison Commissioners to transfer from the State Training School for Boys, located in Coryell county, all negro boys to the Ferguson State Farm in Madison county not later than January 1, 1918, vesting in the Board of Prison Commissioners the same powers then reposed in the Board of Trustees of the State Juvenile Training School and State Training School for Boys.

Sections 4, 5 and 6 of the act read as follows:

"Section 4. The Board of Prison Commissioners shall set apart for the use of the State Training School for Negro Boys all necessary grounds, lands, equipments, buildings, etc., now under the supervision of said Board of Prison Commissioners at the Ferguson State Farm, which shall be used for the State Training School for Negro Boys, provided that the unexpended balance of the public free school fund apportioned to said colored juveniles at Gatesville in Coryell county be transferred for their credit to Madison county.

"Section 5. All laws and parts of laws in conflict with this act are hereby expressly repealed. The appropriation of \$50,000 for the purchase of land, made at the First Called Session of the Thirty-fifth Legislature, shown on page 93 of the said Special or Called Session, is hereby in all things repealed.

"Section 6. That the sum of twenty-five thousand (\$25,000) dollars be and is hereby appropriated out of any funds now in the State Treasury, not otherwise appropriated, to be used by said Commissioners in making this transfer and other-

wise carrying out the provisions of this Act."

This bill became effective December 26, 1917. Prior to October 16 the Board of Prison Commissioners started their investigation as to the ways and means of putting the law into effect. On the date last named the Board of Prison Commissioners addressed a communication to the Attorney General asking for a construction and interpretation to be placed on several provisions of the Act. In this communication the Board suggested, among other things, as their opinion that the \$25,000 provided would be inadequate to carry out the provisions of the act, submitting to the Attorney General the fact that an estimate had been made by an architect that the expenditure would be at least \$200,000 if necessary buildings, school, chapel and other equipment and facilities were provided. Information was also sought as to whether any of the funds belonging to the Prison Commission could be used in carrying out the provisions of the law. The opinion of the Attorney General, dated October 29, 1917, reads as follows:

Board of Prison Commissioners, Huntsville, Texas.

Gentlemen: In your letter addressed to the Attorney General you call our attention to an act of the Third Called Session of the Thirty-fifth Legislature establishing a State Training School for Negro Boys, to be located on the Ferguson Farm in Madison county, which act appropriates the sum of \$25,000 to be used in transferring the negro boys from the training school in Coryell county, and in otherwise carrying out the provisions of the Act. You then propound several questions for solution by this department.

You desire an opinion from this department as to the validity of this law. We see no constitutional objection to an act of this character. What is termed the Ferguson State Farm was purchased by the Board of Prison Commissioners under the authority given that Board by Article 6184 of the Revised Statutes, and while the land may have been conveyed to the Board of Prison Commissioners, yet in fact this land belongs to the State, and the Board merely holds same in trust for the State. The State through the Legislature would have the right to divert any part or all of the lands held in the name of the Prison Commission from the purpose for which they were purchased and to make use of the same for any purpose that might

be determined by the Legislature. The fact that the Prison Commission executed vendors lien notes for the total consideration would not effect the right of the Legislature, if it deems advisable, to erect buildings and make other improvements on this land.

The act of the Legislature in question vests the control and management of the school in the Board of Prison Commissioners, with the provision that all laws, rules and regulations now governing the State Training School for Boys, so far as applicable, shall be observed by the Commission. It will, of course, be necessary for the Commission to keep the accounts of these two institutions separate.

The Prison Commission having executed the notes or bonds for \$100,000, purchase money of this farm, would, of course, remain bound thereon until such time as the Legislature, if it saw fit, should otherwise provide for the payment of such indebtedness. This debt is secured, of course, by lien against the property, and the Prison Commission could not escape liability thereon.

You further state that the \$25,000 appropriated will be wholly insufficient to construct the necessary buildings, school, chapel and other equipment and facilities necessary, and that at least \$200,000 will be required for such purposes. This is a question for the Legislature to determine, and if the \$25,000 is insufficient it will be necessary that the Legislature make such additional appropriation as are required.

You also call attention to the fact that the law creating a training school for boys makes no division of the general appropriation passed for the State Juvenile Training School for the two fiscal years ending August 31, 1918, and August 31, 1919, and you desire to know whether or not any part of that appropriation will be available for the maintenance of the State Training School for Negro Boys. This presents a somewhat difficult question. The act creating the school for negro boys makes no appropriation whatever for the maintenance of that institution. The only appropriation contained therein is the \$25,000 appropriated to be used by the Commissioners in making the transfer of the boys and otherwise carrying out the provisions of the act. Section 4 of this act provides, in substance, that the Board of Prison Commissioners shall set apart for the use of the training school all necessary grounds, lands, equipments, buildings, etc., now under the super-

vision of said Board of Prison Commissioners at the Ferguson State farm. This provision of the act seems to indicate that the Legislature was of the opinion that the buildings and equipment on said farm were sufficient to house the negro boys that would be sent to such school. The general purpose of the act is to maintain a school of the character indicated, and the Legislature having appropriated \$25,000 for carrying out the provisions of the act, the expense of the maintenance of such institution should be borne from this \$25,000 appropriated, if sufficient. On the other hand, it is not reasonable to suppose that the Legislature intended to take any considerable number of inmates of the State Training School for Boys from that institution and to place such boys in an institution of similar character and leave the entire appropriation for such first institution to be expended upon a much smaller number of inmates than was originally contemplated. However, there is nothing in the act creating the school for negro boys to indicate the purpose on the part of the Legislature to deprive the school in Coryell county of any of the appropriation made for it by the First Called Session, and this department does not feel at liberty to read into the new act such intention on the part of the law-making body. The Legislature evidently intended for this school for the negro boys to be maintained at the expense of the State. However, the only appropriation made by the act for carrying out its provisions is the \$25,000 referred to, and it is only to this appropriation that the Prison Commission may look for support. If it is insufficient, deficiency warrants might be issued for the maintenance of the school, or at some subsequent session of the Legislature an appropriation could be made therefor. We are not familiar with the conditions of this farm, and, of course, are unable to say just what might have been in the minds of the Legislature in making this appropriation.

There is nothing in the act that would authorize the Prison Commission to expend any prison funds in the maintenance of this institution, and consequently the Commission would have no authority to expend prison funds in its maintenance, or for any other purpose in connection therewith.

Yours truly,
(Signed) C. W. TAYLOR,
Assistant Attorney General.

The Board of Prison Commissioners have called attention to the fact that it is the settled policy of the State to construct fireproof buildings for institutions of this character. Under the circumstances the Board of Prison Commissioners did not feel authorized to proceed further in removing the negro inmates to the Ferguson State farm, and this entire matter is submitted to your body for such action as you may desire to take.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 6, 1917.
Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate grants the request of the House for a Free Conference Committee on House bill No. 15. The following have been elected on the part of the Senate:

Senators Dean, Clark Lattimore, Bee and Page.

Respectfully,
J. B. BENNETT,
Assistant Secretary of the Senate.

VOTE ON PRINTING HOUSE BILL NO. 25.

Mr. McCoy moved to reconsider the vote by which the House refused to order House bill No. 25 printed and asked to have the motion to reconsider spread on the Journal.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Roemer, it was ordered that House bill No. 40 be not printed.

On motion of Mr. Pillow, it was ordered that House bill No. 45 be printed in the Journal and not printed in bill form.

On motion of Mr. Miller of Austin, it was ordered that House bill No. 39 be not printed.

On motion of Mr. Laas, it was ordered that House bill No. 43 be not printed.

On motion of Mr. Bledsoe, it was ordered that House bill No. 38 be not printed.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 6, 1918.
Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 13, A bill to be entitled "An Act to prohibit the purchase or procuring for, or the sale, gift or delivery to, any person engaged or enlisted in the military or naval forces of the United States, of any spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication; prescribing a penalty for the violation of this act, and declaring an emergency," with amendments.

H. B. No. 21, A bill to be entitled "An Act to appropriate two thousand dollars as a fund to the Agricultural and Mechanical College at Bryan, Texas, for the purpose of experimenting and treatment of the plant Yucca Filamentosa, with the view of preparing same for stock food, this plant being in great abundance in the drouth-stricken section of the State, and providing an emergency."

Respectfully,
J. B. BENNETT,
Assistant Secretary of the Senate.

HOUSE BILL NO. 14 WITH SENATE AMENDMENTS.

Mr. Bledsoe called up from the Speaker's table with Senate amendments, for consideration of the amendments,

H. B. No. 14, A bill to be entitled "An Act to prohibit making an appointment for, or soliciting any person in the service of the United States military or naval forces to meet or come in contact with any immoral woman, for the purpose of unlawful sexual intercourse; prohibiting any person operating a vehicle for hire from transporting any person engaged in the service of the United States military or naval forces for the purpose of unlawful sexual intercourse; prohibiting any person operating a vehicle for hire from transporting any woman for the purpose of meeting anyone engaged in the service of the United States military or naval forces for the purpose of unlawful sexual intercourse; prohibiting any person operating a vehicle for hire from transporting any woman accompanied by any person engaged in the

military or naval forces of the United States to any place for the purpose of unlawful sexual intercourse; providing a penalty for the violation of this act, and declaring an emergency."

The Speaker laid the bill before the House and the Senate amendments were read.

Mr. Bledsoe moved that the House concur in the Senate amendments.

The Clerk was directed to call the roll, and the House concurred in the Senate amendments by the following vote:

Yeas—99.

Mr. Speaker.	McDowra.
Atlee.	McFarland.
Beasley.	McMillin.
Beason.	Meador.
Bedell.	Miller of Austin.
Bell.	Murphy.
Bennette.	Murrell.
Bertram.	Neill.
Blackburn.	O'Banion.
Blackmon.	Osborne.
Bryan.	Parks.
Burton of Rusk.	Peyton.
Butler.	Pillow.
Cadenhead.	Poage.
Canales.	Pope.
Carlock.	Raiden.
Cates.	Reeves.
Cope.	Richards.
Cox of Ellis.	Roemer.
Crudgington.	Rogers.
Davis of Dallas.	Sackett.
Davis of Grimes.	Sentell.
Davis of Harris.	Schlesinger.
Davis	Schlosshan.
of Van Zandt.	Seawright.
De Bogory.	Smith of Hopkins.
Dodd.	Smith of Scurry.
Dudley.	Spradley.
Dunnam.	Sneed.
Estes.	Stephens.
Fairchild.	Stewart.
Fly.	Swope.
Ford.	Templeton.
Greenwood.	Terrell.
Haidusek.	Thomas.
Hardey.	Thomason
Henderson.	of Nacogdoches.
Harris.	Thompson
Hudspeth.	of Hunt.
King.	Tillotson.
Laas.	Tilson.
Lacey.	Tinner.
Lackey.	Traylor.
Laney.	Upchurch.
Lange.	Vaughan.
Lanier.	Veatch.
Lee.	Wahrmund.
McComb.	White.
McCord.	Williams
McCoy.	of Brazoria.

Williford.
Wilson.

Woods.
Yantis.

Nays—4.

Brown.
Burton of Tarrant.

Hill.
Lindemann.

Present—Not Voting.

Beard.
Bland.

Clark.
Cox of Bee.

Absent.

Bagby.	Morris.
Bass.	Nordhaus.
Bledsoe.	O'Brien.
Denton.	Sallas.
Holland.	Sholars.
Johnson of Blanco.	Smith of Bastrop.
Johnson of Ellis.	Spencer.
Jones.	Strayhorn.
Mathis.	Taylor.
Mendell.	Thomason
Metcalfe.	of El Paso.
Miller of Dallas.	Valentine.
Monday.	Walker.
Moore.	

Absent—Excused.

Baker.	Thompson
Holaday.	of Red River.
Lowe.	Williams
Robertson.	of McLennan.

HOUSE BILL NO. 38 ON SECOND READING.

Mr. Bledsoe moved to suspend the constitutional rule requiring bills to be read on three several days in each house and that House bill No. 38 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—95.

Mr. Speaker.	Canales.
Atlee.	Carlock.
Beard.	Cates.
Beasley.	Clark.
Beason.	Cope.
Bedell.	Cox of Bee.
Bell.	Cox of Ellis.
Bennette.	Crudgington.
Bertram.	Davis of Dallas.
Blackburn.	Davis of Grimes.
Blackmon.	Davis of Harris.
Bland.	Davis
Brown.	of Van Zandt.
Bryan.	De Bogory.
Burton of Rusk.	Dodd.
Butler.	Dudley.
Cadenhead.	Dunnam.

Estes.	Pillow.
Fly.	Poage.
Ford.	Pope.
Greenwood.	Raiden.
Haidusek.	Reeves.
Hardey.	Richards.
Harris.	Roemer.
Hendersod.	Rogers.
Hudspeth.	Sackett.
King.	Schlesinger.
Laas.	Seawright.
Lackey.	Smith of Hopkins.
Laney.	Smith of Scurry.
Lange.	Spradley.
Lanier.	Sneed.
Lee.	Stephens.
Lindemann.	Stewart.
McComb.	Templeton.
McCord.	Terrell.
McCoy.	Thomas.
McDowra.	Thomason
McFarland.	of Nacogdoches.
McMillin.	Tillotson.
Meador.	Tilson.
Miller of Austin.	Tinner.
Monday.	Traylor.
Murphy.	White.
Murrell.	Williams
Neill.	of Brazoria.
Nordhaus.	Williford.
Osborne.	Woods.
Parks.	Yantis.
Peyton.	

Nays—1.

O'Banion.

Absent.

Bagby.	Schlosshan.
Bass.	Sholars.
Bledsoe.	Smith of Bastrop.
Burton of Tarrant.	Spencer.
Denton.	Strayhorn.
Fairchild.	Swope.
Hill.	Taylor.
Holland.	Thomason
Johnson of Blanco.	of El Paso.
Johnson of Ellis.	Thompson
Jones.	of Hunt.
Lacey.	Upchurch.
Mathis.	Valentine.
Mendell.	Vaughan.
Metcalf.	Veatch.
Miller of Dallas.	Wahrmund.
Moore.	Walker.
Morris.	Williams
O'Brien.	of McLennan.
Sallas.	Wilson.
Sentell.	

Absent—Excused.

Baker.	Robertson.
Holaday.	Thompson
Lowe.	of Red River.

(Mr. Pope in the chair.)

The Speaker then laid before the

House, on its second reading and passage to engrossment.

H. B. No. 38, A bill to be entitled "An Act creating and incorporating the Brownfield Independent School District in Terry county, Texas, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 38 ON THIRD READING.

The Speaker then laid House bill No. 38 before the House, on its third reading and final passage.

The bill was read third time.

The Clerk was directed to call the roll and the bill was passed by the following vote:

Yeas—98.

Mr. Speaker.	Lange.
Atlee.	Lanier.
Beard.	Lee.
Beasley.	Lindemann.
Beason.	McComb.
Bedell.	McCord.
Bell.	McCoy.
Bennette.	McDowra.
Bertram.	McMillin.
Blackburn.	Meador.
Blackmon.	Miller of Austin.
Bland.	Miller of Dallas.
Bryan.	Murphy.
Burton of Rusk.	Murrell.
Butler.	Neill.
Cadenhead.	Nordhaus.
Canales.	Osborne.
Carlock.	Parks.
Cates.	Peyton.
Clark.	Pillow.
Cope.	Poage.
Cox of Bee.	Pope.
Cox of Ellis.	Raiden.
Crudgington.	Reeves.
Davis of Dallas.	Richards.
Davis of Grimes.	Roemer.
Davis of Harris.	Rogers.
De Bogory.	Sackett.
Dodd.	Sentell.
Dudley.	Schlesinger.
Estes.	Seawright.
Fly.	Smith of Hopkins.
Ford.	Smith of Scurry.
Greenwood.	Spencer.
Haidusek.	Spradley.
Hardey.	Sneed.
Harris.	Stephens.
Henderson.	Stewart.
Hudspeth.	Swope.
Johnson of Blanco.	Templeton.
King.	Terrell.
Laas.	Thomason
Lackey.	of El Paso.
Laney.	

Thomason	White.
of Nacogdoches.	Williams
Thompson	of Brazoria.
of Hunt.	Williford.
Tillotson.	Wilson.
Tilson.	Woods.
Tinner.	Yantis.
Traylor.	

Absent.

Bagby.	Monday.
Bass.	Moore.
Bledsoe.	Morris.
Brown.	O'Banion.
Burton of Tarrant.	O'Brien.
Davis	Sallas.
of Van Zandt.	Schlosshan.
Denton.	Sholars.
Dunnam.	Smith of Bastrop.
Fairchild.	Strayhorn.
Hill.	Taylor.
Holland.	Thomas.
Johnson of Ellis.	Upchurch.
Jones.	Valentine.
Lacey.	Vaughan.
McFarland.	Veatch.
Mathis.	Wahrmund.
Mendell.	Walker.
Metcalfe.	

Absent—Excused.

Baker.	Thompson
Holaday.	of Red River.
Lowe.	Williams
Robertson.	of McLennan.

HOUSE BILL NO. 30 ON THIRD READING.

Mr. Smith of Scurry moved to suspend the constitutional rule requiring bills to be read in each house on three several days and that House bill No. 30 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—96.

Mr. Speaker.	Cates.
Atlee.	Clark.
Beard.	Cope.
Beasley.	Cox of Bee.
Beason.	Crudgington.
Bedell.	Davis of Dallas.
Bell.	Davis of Grimes.
Bennette.	Davis of Harris.
Bertram.	Davis
Blackburn.	of Van Zandt.
Blackmon.	De Bogory.
Bland.	Dodd.
Bryan.	Dudley.
Burton of Rusk.	Estes.
Butler.	Fly.
Cadenhead.	Ford.
Carlock.	Greenwood.

Haidusek.	Reeves.
Hardey.	Roemer.
Harris.	Rogers.
Henderson.	Sackett.
Hudspeth.	Sentell.
Johnson of Blanco.	Seawright.
King.	Smith of Hopkins.
Laas.	Smith of Scurry.
Lacey.	Spencer.
Lackey.	Spradley.
Laney.	Sneed.
Lange.	Stephens.
Lanier.	Stewart.
Lindemann.	Swope.
McComb.	Templeton.
McCoy.	Terrell.
McDowra.	Thomas.
McFarland.	Thomason
McMillin.	of El Paso.
Meador.	Thomason
Miller of Austin.	of Nacogdoches.
Miller of Dallas.	Thompson
Monday.	of Hunt.
Moore.	Tillotson.
Murphy.	Tilson.
Murrell.	Traylor.
Neill.	White.
Osborne.	Williams
Parks.	of Brazoria.
Peyton.	Williford.
Pillow.	Wilson.
Poage.	Woods.
Pope.	Yantis.
Raiden.	

Absent.

Bagby.	Nordhaus.
Bass.	O'Banion.
Bledsoe.	O'Brien.
Brown.	Richards.
Burton of Tarrant.	Sallas.
Canales.	Schlesinger.
Cox of Ellis.	Schlosshan.
Denton.	Sholars.
Dunnam.	Smith of Bastrop.
Fairchild.	Strayhorn.
Hill.	Taylor.
Holland.	Tinner.
Johnson of Ellis.	Upchurch.
Jones.	Valentine.
Lee.	Vaughan.
McCord.	Veatch.
Mathis.	Wahrmund.
Mendell.	Walker.
Metcalfe.	Williams
Morris.	of McLennan.

Absent—Excused.

Baker.	Robertson.
Holaday.	Thompson
Lowe.	of Red River.

The Speaker then laid House bill No. 30 before the House on its third reading and final passage.

The bill was read third time.

Mr. Smith of Scurry offered the following amendment to the bill:

Amend H. B. No. 30 by inserting in line 9 of Section 1, after the word "Austin," the following words: "Brazoria and Dickens."

The amendment was adopted.

Mr. Smith of Scurry offered the following amendment to the bill:

Amend the bill by inserting in the caption "the counties of Dickens and Brazoria."

Signed—Smith of Scurry, Williams of Brazoria.

The amendment was adopted.

Question—Shall House bill No. 30 be passed?

HOUSE BILLS ON FIRST READING.

The following House bills introduced today were laid before the House, read first time and referred to the appropriate committees, as follows:

By Mr. McCord:

H. B. No. 35, A bill to be entitled "An Act prohibiting the issuing or granting of a license to any person, firm, corporation, copartnership, club, society, fraternity, or association of persons to engage in the manufacture, sale, barter, or exchange, by retail or wholesale, of spirituous, vinous or malt liquors or any other liquor capable of producing intoxication within ten miles of any schoolhouse, academy, college or university within the State of Texas that may be supported in whole or in part out of any moneys appropriated for educational purposes; providing a penalty, and declaring an emergency."

Referred to Committee on Liquor Traffic."

By Mr. Nordhaus:

H. B. No. 36, A bill to be entitled "An Act relating to the manner of summoning jurors in all counties in this State having three or more district courts and authorizing the sheriff of such county or his deputies to summon such jurors by mailing a written or printed notice deposited in the United States mail postage prepaid, directed to the juror's postoffice address, and to make the return of such officer showing such service prima facie evidence that the juror received the same, and providing for punishment for disobedience of process, and to repeal all laws in conflict therewith, and declaring an emergency."

Referred to Committee on Reforms in Criminal Procedure.

By Mr. Williams of Brazoria:

H. B. No. 37, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legislature, and Chapters 26 and 99, General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, and Chapter 10 of the Second Called Session of the Thirty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include Brazoria county, and declaring an emergency."

Referred to Committee on Stock and Stock Raising.

By Mr. Bledsoe:

H. B. No. 38, A bill to be entitled "An Act creating and incorporating the Brownfield Independent School District in Terry county, Texas, etc., and declaring an emergency."

Referred to Committee on Education.

By Mr. Miller of Austin:

H. B. No. 39, A bill to be entitled "An Act creating the Bellville Independent School District in Austin county, Texas, and declaring an emergency."

Referred to Committee on Education.

By Mr. Roemer:

H. B. No. 40, A bill to be entitled "An Act adding to and making a part of the Port Lavaca Independent School District in Calhoun county, Texas, including the town of Port Lavaca, certain lands and territory adjoining thereto, and declaring an emergency."

Referred to Committee on Education.

By Mr. Monday:

H. B. No. 41, A bill to be entitled "An Act to provide for the teaching of lessons in patriotism in the public schools of this State, for the proper display of the United States flag in connection with every public school of the State, and directing the State Superintendent, county and city superintendents in the discharge of their duty relative thereto."

Referred to Committee on Education.

By Mr. Roemer:

H. B. No. 42, A bill to be entitled

"An Act adding to and making a part of the Port Lavaca Independent School District in Calhoun county, Texas, including the town of Port Lavaca, certain lands and territory adjoining thereon, and declaring an emergency."

Referred to Committee on Education.

By Mr. Laas and Mr. Tillotson:

H. B. No. 43, A bill to be entitled "An Act creating the Sugarland Independent School District in Fort Bend county, Texas, etc., and declaring an emergency."

Referred to Committee on Education.

By Mr. Templeton:

H. B. No. 44, A bill to be entitled "An Act to prohibit the manufacture of spirituous, vinous or malt liquors capable of producing intoxication for sale, except for medicinal, sacramental, mechanical and scientific purposes; prescribing a penalty for the violation of this act, and declaring an emergency."

Referred to Committee on Liquor Traffic.

By Mr. Pillow and Mr. Beason:

H. B. No. 45, A bill to be entitled "An Act to ratify and confirm the action of the board of commissioners of the city of Galveston, passed March 1, 1918, conveying and releasing the Galveston Dry Dock & Construction Co., a corporation of Galveston county, Texas, that certain area of territory in Galveston Bay being a part of what is known as Pelican Island and the flats south thereof, as fully described by metes and bounds in said act, and declaring an emergency."

Referred to Committee on Municipal Corporations.

RECESS.

On motion of Mr. Tilson, the House, at 5:20 o'clock p. m., took recess to 8 o'clock p. m. today.

NIGHT SESSION.

The House met at 8 o'clock p. m., and was called to order by the Speaker.

ADDRESS BY MISS VAN GASTEL.

In accordance with a resolution adopted on last Monday, inviting Miss Van Gastel to address the Legislature at this hour, Mr. Thomason of El Paso,

Mr. McCord and Mr. Butler appeared in the Hall, accompanied by Miss Van Gastel and were invited to seats on the Speaker's stand.

The Speaker then presented Mrs. Minnie Fisher Cunningham, who introduced Miss Van Gastel.

Miss Van Gastel then addressed the Legislature and the assemblage.

The Speaker then presented Mr. Thomason of El Paso, who introduced Judge Brooks of Dallas, who then addressed the House.

ADJOURNMENT.

On motion of Mr. Woods, the House, at 10 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

APPENDIX.

REPORT OF COMMITTEE TO INVESTIGATE CERTAIN EXPENDITURES.

House of Representatives,
March 5, 1918.

Hon. F. O. Fuller, Speaker of the House.

Sir: We, your committee selected by the House for the purpose of making certain investigation in accordance with the resolution adopted by the House on March 1, having been introduced by Messrs. Sallas and Swope, the purport of which desired an inquiry into the investigation committee appointed during the Third Called Session of the Thirty-fifth Legislature to make an inquiry into the various departments and institutions of the State government, beg leave to report:

1. Your committee held a meeting on the night of March 1st, and selected the Hon. W. H. Bledsoe as chairman. Mr. Sallas, the author of the resolution, was present and stated to the committee that the only information he desired was whether or not the expenditures made by the special investigating committee for transportation, postage, stenographers, telephoning and telegraphing and for photographs made, were within the province of the committee to make such expenditures under the terms of the original resolution; that if the Attorney General should so hold that all of said expenditures were legal so far as the House committee is concerned, that the authors of the resolution to investigate will have nothing more to say, as they are willing to

abide by the opinion of the Attorney General on the subject.

2. We attach herewith a copy of the opinion of the Attorney General, dated March 4, 1918, wherein he fully justifies all expenditures made by the committee of the House of Representatives, and holds that they were within the terms of the law as set out in the original resolution to make the investigations. We therefore find, in accordance with the opinion of the Attorney General, that the special legislative investigating committee acted clearly within the provisions of the resolution creating it, and that the expenditures made thereunder out of the public funds were in all things legal and for the best interests of the State, and we desire to say that the special investigating committee acted clearly within the scope of its authority, and the expenditures made by the committee and its members were within the discharge of its official duties and that same were incurred for what we believe to be for the best interests of the State, and we do not believe that one penny was expended by any of the committees, or by those composing same, for any purposes other than within a legitimate scope of their official duties and necessary for the promotion of same.

Being of this opinion, we therefore ask to be discharged, as we, and the authors of the resolution, are thoroughly satisfied that no illegal expenses were incurred by the House committee.

Respectfully submitted,

BLEDSON,
MENDELL,
MURRELL,
THOMASON of El Paso.

I indorse the foregoing in toto with the exception of the statement contained therein, that the committee incurred various expenses for the best interests of the State.

Being originally opposed to the resolution creating the investigating committee, I can not consistently indorse this declaration.

SALLAS.

Attorney General's Department,

Austin, Texas, March 4, 1918.

Hon. W. H. Bledsoe, Member of the House, Capitol.

Dear Sir: I beg to acknowledge receipt of your favor of the second instant, which reads as follows:

"On February 5, 1917, the House of Representatives adopted a resolution pro-

viding for the appointment of an investigating committee. This resolution is shown in House Journal of that date, page 14. On September 13, 1917, the House adopted the report of the committee providing means and methods for conducting said investigation, and authorizing the payment of expenditures therefor. This report is printed in House Journal of that date, pages 84, 85, 86 and 87.

"On March 1, 1918, the House of Representatives adopted the following resolution introduced by Representative Sallas:

"Whereas, The expenses incurred by the various members of the House Investigating Committee authorized by the Third Called Session of the Thirty-fifth Legislature, as filed with the State Comptroller of Public Accounts, appears inconsistent in many particulars and is unfair to several of the committeemen; therefore, be it

"Resolved, That a special committee of five members be appointed by the House to make full inquiry into the expenditures of said Investigating Committee, and the legality of the same, and report their findings to this House at the earliest possible date."

"In pursuance of the terms of this resolution the House appointed a committee of five members, of which I am the chairman. At a meeting of this committee a motion was made and carried that we present to you a statement of expenses incurred by the members of the House committee as furnished by the State Comptroller, and request you to advise us as to the legality of expenditures made by the various members of the House subcommittees. This request does not apply to any expenses incurred by the members of the Senate committee, who were acting under a separate resolution. In this connection I am advised that the items of transportation are those incurred by members of subcommittees when absent from the city of Austin under the direction of the Central Committee. The meals and room rent are those incurred while absent from this city, and the box rent, stamps, telegraphing and telephone calls charged are for necessary expenses in the discharge of their duties as members of the various committees.

"An early compliance with this request will be greatly appreciated by us. Will ask that you return the accompanying statement from the Comptroller with your reply."

Replying to your inquiry, beg to call your attention to Section 4 of the resolution of the House providing for the compensation of members of the Investigating Committee, which reads as follows:

"The members of the committee before named while actually engaged in the investigation of the departments and institutions of the State, whether the Legislature is in session or not, shall receive the sum of \$5 per day, payable weekly, and in addition thereto, when investigating an institution away from the Capitol, they shall be allowed their necessary traveling expenses, all expenses to be paid out of the contingent expense fund of the House, upon voucher, with authorized account attached and approved by the chairman of the subcommittee and the chairman of the Central Committee. And all expenses which such committees are authorized to incur shall in like manner be paid out of the contingent expense fund of the House."

If I understand your inquiry, it extends only to the legality of certain expenditures made by various members of the House subcommittee under the resolution just before quoted. Your communication states that the items of transportation were incurred by members of the sub-committee when absent from the city of Austin under the direction of the Central Committee; that the meals and room rent were incurred while absent from the city; that the box rent, stamps, telegraphing and telephone calls were necessary expenses in the discharge of their duties as members of the various committees. Hence the only question for this department to pass upon is whether or not such items of expense may properly be paid under the terms of the resolution.

An examination of the different accounts show that these expenses may be divided into two groups, as follows:

First: Expenses for postage, service of stenographers, photographs taken of premises being examined, telephoning and telegraphing, postoffice box rent, binding records, certified copy of deeds, services of accountants and typewriter rent. All of the above, in my opinion, are proper expenses, whether incurred at the Capitol or elsewhere. In other words, they are of a nature, that might have to be incurred whether members of the committee were performing duties at the Capitol or elsewhere in the State.

The other group includes such items

as railroad and Pullman fare, street car fare, fare for cabs, auto hire, room rent, hotel bills and meals.

As these are matters rather personal in nature, something that the member himself consumed or received, your inquiry leads us to determine whether or not they are necessary traveling expenses within the meaning of the resolution.

The resolution in question authorizes the payment of necessary traveling expenses of members while performing their duties away from the Capitol. Therefore, if these are to be construed as traveling expenses, clearly their payment was authorized.

The phrase "necessary traveling expenses," or "actual traveling expenses," or "traveling expenses," all meaning the same thing, and is the customary language used by the Legislature in making appropriations for the different institutions and departments of the State.

It is a familiar rule of statutory construction that where officers charged with the administration of a law have given it a certain interpretation and acted upon it in a certain way for a long period of time that this furnishes strong evidence as to its true meaning.

7 Texas, 373-384.

12 Texas, 399.

47 Texas, 393.

64 Texas, 553.

96 Texas, 424.

26 Am.-Eng. Ency. of Law, p. 635.

The records of the Comptroller's Department will show that under the head of "Traveling Expenses" accounts have been for years allowed and paid, including such items as are involved in the second group, above mentioned. With this knowledge on the part of the Legislature each successive session has made appropriations providing for traveling expenses in the same language to the different officers and departments, and thus, by implication, has adopted and approved this departmental construction.

While a departmental construction is not binding on any court, yet it is persuasive and similar in all respects to a situation where the Legislature revises an old law after it had been construed without changing its verbiage, in such cases the presumption arises that the same construction given before the revision should be continued after the revision.

68 Texas, 98.

95 Texas, 234.

It would appear, therefore, that our own departmental and legislative construction of similar statutes in the past

would justify the conclusion, that such items as are mentioned in group two were proper traveling expenses and were properly paid.

A statute of the State of Arizona provided that "the court reporter shall be allowed his actual traveling expenses in attending the district court away from the official residence, his account for which, when approved by the presiding judge, shall be allowed and paid as other claims against the county wherein said court is held." The question raised for the decision of the court in this case (*Van Veen vs. Graham Co.*, 108 Pacific Reporter, p. 252) was whether or not the board and lodging of the reporter were proper charges under this statute. The court said:

"Our attention has not been called to any case in which the expressions 'actual traveling expenses' or 'traveling expenses' have been defined. The statutory provision above quoted is substantially the same as that contained in paragraph 1488, c. 19, of the Revised Statutes of 1901, which provides that he shall receive 'his actual traveling expenses in attending any district court.' Ever since the enactment of the 1901 provision, we are advised that it has been the uniform practice of district attorneys and boards of supervisors throughout the territory to construe the words 'actual traveling expenses' as including the board and lodging of the reporter during his attendance upon the terms of court away from his home. In the absence of judicial construction of this or any similar statutory provision, the long-continued practical construction given to it by these officers is entitled to great, if not controlling, weight. *Avery v. Pima County*, 7 Ariz., 26, 60 Pac., 702; *Copper Queen, etc., Mining Co. vs. Territorial Board*, 9 Ariz., 383, 84 Pac., 511; *U. S. vs. Johnston*, 124 U. S., 236, 8 Sup. Ct., 446, 31 L. Ed., 389; *U. S. vs. Finnell*, 185 U. S., 236, 22 Sup. Ct., 633, 46 L. Ed., 890. Presumptively the Legislature which enacted the statute of 1907 was aware of the construction theretofore uniformly given the statute of 1901, and was satisfied therewith, or it would have changed it in the enactment of 1907, and the use by it of the words 'actual traveling expenses' may fairly be deemed an adoption of such construction. *Copper Queen, etc., Mining Co. vs. Territory*, supra; *U. S. vs. Finnell*, supra. We think the demurrer should have been overruled, and judgment rendered for the amount prayed upon the stipulated facts." (108 Pacific Reporter, pp. 252-3.)

Thus we see a judicial construction of the phrase "actual traveling expenses" in line with the departmental and legislative construction of this State, as above referred to.

We believe, therefore, that the authorities quoted and cited support our conclusion, which is: that the items of expenses shown in the statement in group two, which are of a strictly personal nature, were legal charges and properly paid.

It is stated in the preamble to the resolution of the House, hereinbefore quoted, that the expense accounts of the different members of the committee "appear inconsistent in many particulars and is unfair to several of the committeemen."

This fact, if it be a fact, is not, in my opinion, the fault of any member of the committee, nor does it involve the legality of any item in the expense accounts, but is due solely to the terms of the resolution under which they were acting which allowed traveling expenses to members while engaged in performing their duties away from the Capitol and did not allow similar expenses while they were engaged in their work at the capital city.

For the reasons above stated, we believe that the different items of expense contained in the different accounts were legal and properly paid under the terms of the resolution.

Yours very truly,
B. F. LOONEY,
Attorney General.

This opinion has been passed upon, approved by this department in executive session and is now recorded.

B. F. LOONEY,
Attorney General.

REPORTS OF COMMITTEE ON EDUCATION.

Committee Room,
Austin, Texas, March 6, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House resolution by Poage, requesting that the German language be not taught in the public schools of Texas during the present war, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass with committee amendment.

THOMASON of Nacogdoches, Chairman.

Committee Room,
Austin, Texas, March 6, 1918.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Education,
to whom was referred House bill No.
31, have had the same under considera-
tion and I am instructed to report it
back to the House with the recommen-
dation that it do pass.

THOMASON of Nacogdoches, Chairman.

Committee Room,
Austin, Texas, March 6, 1918.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Education,
to whom was referred House bill No.
32, have had the same under considera-
tion and I am instructed to report it
back to the House with the recommen-
dation that it do pass.

THOMASON of Nacogdoches, Chairman.

Committee Room,
Austin, Texas, March 6, 1918.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Education,
to whom was referred House bill No.
41, have had the same under considera-
tion and I am instructed to report it
back to the House with the recommen-
dation that it do pass. Mr. Meador has
been appointed to make a full report
thereon.

THOMASON of Nacogdoches, Chairman.

Committee Room,
Austin, Texas, March 6, 1918.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Education,
to whom was referred House bill No.
40, have had the same under considera-
tion and I am instructed to report it
back to the House with the recommen-
dation that it do pass.

THOMASON of Nacogdoches, Chairman

Committee Room,
Austin, Texas, March 6, 1918.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Education,
to whom was referred House bill No.
39, have had the same under considera-
tion and I am instructed to report it

back to the House with the recommen-
dation that it do pass.

THOMASON of Nacogdoches, Chairman.

Committee Room,
Austin, Texas, March 6, 1918.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Education,
to whom was referred House bill No.
38, have had the same under considera-
tion and I am instructed to report it
back to the House with the recommen-
dation that it do pass.

THOMASON of Nacogdoches, Chairman.

Committee Room,
Austin, Texas, March 6, 1918.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Education,
to whom was referred House bill No.
43, have had the same under considera-
tion and I am instructed to report it
back to the House with the recommen-
dation that it do pass.

THOMASON of Nacogdoches, Chairman.

REPORT OF COMMITTEE ON LIQUOR TRAFFIC.

Committee Room,
Austin, Texas, March 6, 1918.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Liquor
Traffic, to whom was referred Senate
bill No. 15, have had the same under
consideration, and I am instructed to re-
port it back to the House with the
recommendation that it do pass. Mr.
McCord has been appointed to make a
full report thereon.

McMILLIN, Chairman.

REPORT OF COMMITTEE ON MUNI- CIPAL CORPORATIONS.

Committee Room,
Austin, Texas, March 6, 1918.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Municipal
Corporations, to whom was referred
House bill No. 45, have had the same un-
der consideration, and I am instructed to
report it back to the House with the
recommendation that it do pass.

MENDELL, Chairman.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, March 6, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 33. A bill to be entitled "An Act amending Article 1361, Chapter 2, Title 28, of the Revised Civil Statutes, so as to provide for the organization of such unorganized or disorganized counties in the State upon the petition of seventy-five qualified voters residing in such organized or disorganized county; and that such article when so amended shall read as follows, and declaring an emergency."

And find the same correctly engrossed.
DENTON, Chairman.

Committee Room,
Austin, Texas, March 6, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 32. A bill to be entitled "An Act to diminish and to re-establish the limits of Talpa Independent School District; repealing all laws so far as they conflict herewith, and declaring an emergency."

And find the same correctly engrossed.
DENTON, Chairman.

Committee Room,
Austin, Texas, March 6, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 30. A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legislature, and Chapters 26 and 99, General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include Armstrong county, and declaring an emergency."

And find the same correctly engrossed.
DENTON, Chairman.

Committee Room,
Austin, Texas, March 6, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 34. A bill to be entitled "An Act to amend Chapter 4 of the Laws of the Regular Session of the Thirty-third Legislature, so as to change the time of holding district court in the various counties of the Seventy-second Judicial District of Texas; declaring what counties shall compose same; attaching the unorganized counties of Hockley and Cochran to the county of Lubbock for judicial and all other purposes; making process issued or served before this act takes effect, including recognizances and bonds returnable to the terms of court as herein fixed, and form all grand and petit juries drawn to be returnable to the corresponding weeks of the terms as herein defined, and declaring an emergency."

And find the same correctly engrossed.
DENTON, Chairman.

Committee Room,
Austin, Texas, March 6, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 31. A bill to be entitled "An Act to establish Common School District No. 19 in Dickens county, Texas, etc., and declaring an emergency."

And find the same correctly engrossed.
DENTON, Chairman.

REPORTS OF COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, March 5, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 10, "An Act to amend Article 611 of the Penal Code of Texas, adopted in 1911, so as to prohibit the sale of spirituous or vinous liquors, in quantities of one gallon or less, by anyone except a licensed retail liquor dealer; prescribing a penalty for the violation of this act; providing that prosecutions under this act shall have precedence upon the dockets of the district courts; providing that persons con-

victed for violations of this act shall not have the benefit of the suspended sentence act, and declaring an emergency,"

Have carefully compared same, and find it correctly enrolled, and have this day, at — o'clock — m., presented same to the Governor for his approval.

McCOY, Chairman.

Committee Room,

Austin, Texas, March 5, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 11, "An Act to amend Article 612 of the Penal Code of Texas, adopted in 1911, so as to prohibit the sale of malt liquors, capable of producing intoxication, in quantities of one gallon or less, by any person except a licensed retail malt dealer; prescribing a penalty for the violation of this act; providing that prosecutions under this act shall have precedence upon the dockets of the district courts; providing that persons convicted in violation of this act shall not have the benefits of the suspended sentence act, and declaring an emergency,"

Have carefully compared same, and find it correctly enrolled, and have this day, at 10:47 o'clock a. m., presented same to the Governor his approval.

McCOY, Chairman.

NINTH DAY.

(Thursday, March 7, 1918.)

The House met at 9 o'clock a. m. pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called and the following members were present:

Atlee.	Canales.
Bass.	Carlock.
Beard.	Clark.
Beasley.	Cope.
Beason.	Cox of Bee.
Bell.	Cox of Ellis.
Bennette.	Crudgington.
Bertram.	Davis of Dallas.
Blackburn.	Davis of Grimes.
Blackmon.	Davis of Harris.
Bland.	Davis
Bledsoe.	of Van Zandt.
Bryan.	De Bogory.
Burton of Rusk.	Denton.
Butler.	Dodd.
Cadenhead.	Dudley.

Dunnam.	Pillow.
Estes.	Poage.
Fairchild.	Pope.
Fly.	Raiden.
Ford.	Reeves.
Haidusek.	Richards.
Hardey.	Roemer.
Harris.	Rogers.
Henderson.	Sackett.
Hill.	Sentell.
Holland.	Schlesinger.
Hudspeth.	Seawright.
Johnson of Blanco.	Smith of Hopkins.
Johnson of Ellis.	Smith of Scurry.
Jones.	Spencer.
King.	Spradley.
Laas.	Sneed.
Lacey.	Stephens.
Lackey.	Stewart.
Laney.	Templeton.
Lange.	Terrell.
Lanier.	Thomas.
Lee.	Thomason
Lindemann.	of El Paso.
McComb.	Thomason
McCord.	of Nacogdoches.
McCoy.	Thompson
McDowra.	of Hunt.
McFarland.	Tillotson.
McMillin.	Tilson.
Meador.	Tinner.
Mendell.	Traylor.
Miller of Austin.	Upchurch.
Miller of Dallas.	Vaughan.
Monday.	Veatch.
Moore.	Wahrmund.
Morris.	Walker.
Murphy.	White.
Murrell.	Williams
Neill.	of Brazoria.
Nordhaus.	Williford.
O'Banion.	Wilson.
Osborne.	Woods.
Parks.	Yantis.
Peyton.	

Absent.

Bagby.	O'Brien.
Bedell.	Sallas.
Brown.	Sholars.
Burton of Tarrant.	Smith of Bastrop.
Cates.	Strayhorn.
Greenwood.	Taylor.
Mathis.	Valentine.

Absent—Excused.

Baker.	Swope.
Holaday.	Thompson
Lowe.	of Red River.
Metcalf.	Williams
Robertson.	of McLennan.
Schlosshan.	

The Speaker announced a quorum present.

Prayer was then offered by Rev. J. C. Mitchell, Chaplain.